

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.) 05-MJ-627-KPN
)
JOHN DOE a/k/a Hussand Jamal)
Miller)

ORDER OF DETENTION

April 25, 2005

PONSOR, D.J.

The defendant has been arrested in this jurisdiction in connection with a superceding indictment returned in the United States District Court for the Northern District of Ohio, Eastern Division, in the case of United States of America v. Salcedo. et al, Case No. 4:04CR245, before The Honorable Peter C. Economus.

Mr. Miller is named in the indictment only as "John Doe 3 aka 'Hoss'." After hearing testimony from an FBI agent involved in the investigation, I have concluded that the government has adequately demonstrated the identity of Mr. Miller as the defendant John Doe 3 named in the indictment.

With some hesitation, the court has also concluded that

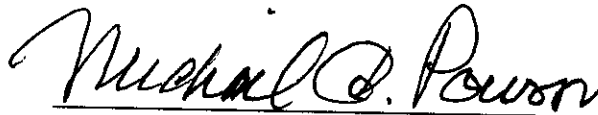
the defendant should be detained, at least for purposes of conveying him before the Magistrate Judge for an initial appearance and arraignment in the Northern District of Ohio, Eastern Division. Mr. Miller appears to have few ties to this jurisdiction, has used aliases in the past, and has a pending drug-related charge against him in the Superior Court of Franklin County, Greenfield, Massachusetts.

The purpose of this memorandum is to indicate this court's assumption and desire that the Magistrate Judge take a fresh look at the issue of Mr. Miller's pretrial detention upon his appearance in Ohio. No weight should be given to this court's decision to detain Mr. Miller at this time for purposes of transport. The evidence of identity, while sufficient, is not overwhelming, and Mr. Miller has complied with all conditions of pretrial release in connection with his pending state drug case. His involvement in the charged conspiracy in this case appears to be limited to two phone calls.

In other words, an argument exists for his release pretrial, which deserves to be weighed independently in the

jurisdiction where these charges lie. The Magistrate Judge considering these issues should not give weight to this court's preliminary decision to have the defendant transported to Ohio via the marshals, rather than permitting him to report to this distant jurisdiction on his own.

It is So Ordered.

A handwritten signature in black ink, reading "Michael A. Ponsor". The signature is written in a cursive, flowing style. The first name "Michael" is written with a large, prominent "M". The last name "Ponsor" is written with a large, prominent "P". The signature is written over a horizontal line.

MICHAEL A. PONSOR

United States District Judge